IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11106 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAKRIBEN D/O R M THAKORE

Versus

STATE OF GUJARAT

Appearance:

MR BB NAIK for Petitioners

Mr. LR Pujari AGP for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 19/10/2000

ORAL JUDGEMENT

Learned advocate Mr. Naik is appearing for the petitioner. Learned AGP Mr. Pujari is appearing for the respondent authorities.

This Court, while issuing rule on this petition on 14.2.1995, has confirmed the interim relief granted earlier on 21.9.1994. Respondents no. 3 and 4 have been served with notice of rule but no one has appeared on their behalf.

In this petition, the petitioners have challenged the order passed by the respondent no. 2 dated 12.1.1987 as well as the order passed by the authority dated 11.6.1992.

Today, when the matter was taken up for final hearing, learned AGP Mr. Pujari appearing for the respondent authorities has placed on record copy of the letter dated 11th August, 1999 issued by the competent authority and the additional collector, ULC, Ahmedabad wherein it has been mentioned that the present petition has been preferred against the order of the Government under section 34 of the Urban Land (Ceiling and Regulation) Act, 1976. It has also been mentioned in the said letter dated 11.8.1999 that in respect of the excess land in question, the proceedings under the ULC Act, 1976 were initiated upto the stage of sec.8(4) and, thereafter, no further proceedings have been initiated by the competent authority under the provisions of the ULC Act, 1976. In the said letter, it is also specifically made clear that the possession of the excess land in question has not been taken over by the State Government and, therefore, necessary process is required to be followed in view of the provisions of the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999.

The Urban Land (Ceiling and Regulation)Act,1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act,1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Interim relief granted earlier is vacated. There shall be no order as to costs.

19.10.2000 (H.K. Rathod,J.)

Vyas